IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH

JUDGMENT

Bhagat Singh Vs. State of Rajasthan
(S.B. CRIMINAL APPEAL NO.1010/2003)

S. B. Criminal Appeal under Sec.374 (2) Cr.P.C. against the judgment dated 13-6-2003 in Sessions Case No.46/2003 (82/2003) passed by Sh. Bhagwan Das Agrawal, RHJS, Additional Sessions Judge (Fast Track) No.3 Bharatpur.

Date of Judgment: May 10, 2007.

PRESENT
HON'BLE MR. JUSTICE SHIV KUMAR SHARMA

Mr. Biri Singh Sinsinwar] for the appellant.
Mr. Kamlendra Sihag]
Mr. Harendra Singh]

Mr. M.L.Goyal, Public Prosecutor for the State.

BY THE COURT:

Challenge in this appeal is to the judgment dated June 13, 2003 Additional Sessions Judge (Fast Track) No.3, Bharatpur whereby the appellant Bhagat Singh was convicted and sentenced as under:-

U/s.376 IPC:

To suffer rigorous imprisonment for five years and fine of Rs.1000/-, in default to further suffer simple imprisonment for two months.

U/s.341 IPC:

To suffer simple imprisonment for one month.

The substantive sentences were ordered to run concurrently.

2. It is the prosecution case that at Police Station Nadbai on February 13, 2003 the prosecutrix (Pw.1) lodged a report that on the said

day around 3 PM while she proceeded to the forest, she was caught hold on the way by the appellant who took her to the field and committed rape on her. On that report a case was registered under sections 341 and 376 IPC and investigation commenced. Site was inspected, statements of witnesses under section 161 CrPC were recorded and on completion of investigation charge sheet was filed. In due course the case came up for trial before the learned Additional Sessions Judge (Fast Track) No.3 Bharatpur. Charges under sections 341 and 376 IPC were framed against the accused, who denied the charges and claimed trial. The prosecution in support of its case examined as many as 11 witnesses. In the explanation under Sec.313 CrPC, the appellant claimed innocence. No witness in defence was however examined. Learned trial Judge on hearing final submissions convicted and sentenced the appellant as indicated herein above.

3. Learned counsel for the appellant in the process of assailing the impugned finding took me through the material on record. A bare look at the evidence adduced at the trial goes to show that age of victim on the date of offence was about 40 years. As per the report of Medical Jurist Ex.P-4 injuries were found on the person of prosecutrix. In the potency test the appellant was found potent. In her statement victim (Pw.1) stated that while she was going to forest the appellant committed the offence. I see no reason to disbelieve the testimony of victim. Although she was subjected to searching cross examination, her testimony could not be shattered.

4. For these reasons, I do not find any merit in the instant appeal and the same stands accordingly dismissed. The conviction and sentence under sections 376 and 341 IPC are maintained.

(Shiv Kumar Sharma)J.

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